



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, ३ अप्रैल, १९६८/१४ चैत्र, १८६०

### GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATION

*Simla-4, the 2nd April, 1968*

No. 1-24/68-VS.—In pursuance of rule 135 of the Rule of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964 “The Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Bill, 1968 (Bill No. 13 of 1968)” as introduced on the 1st April, 1968 is hereby published in the Himachal Pradesh Government Gazette.

SURENDRA NATH,  
*Under Secretary.*

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
MEMBERS (REMOVAL OF DISQUALIFICATIONS) BILL,  
1968**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

**BILL**

*to declare certain offices of profit under the Government of India, the Government of any State or the Government of any Union territory not to disqualify their holders for being chosen as, or for being, members of the Himachal Pradesh Legislative Assembly.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Act, 1968.

(2) It shall be deemed to have come into force on the 22nd February, 1967.

Definition,s

2. In this Act, unless the context otherwise requires:—

(a) 'compensatory allowance' means such sum of money as the Central Government or the Government of any State or the Government of any Union territory, as the case may be, may determine as being payable to the holder of an office by way of travelling allowance, daily allowance, sitting allowance, conveyance allowance or house rent allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office;

(b) 'statutory body' means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force;

(c) 'non-statutory body' means any body of persons other than a statutory body.

Prevention  
of disquali-  
fications for  
membership  
of the Le-  
gislative  
Assembly  
of Himachal  
Pradesh.

3. A person shall not be disqualified for being chosen as, and for being, a member of the Himachal Pradesh Legislative Assembly by reason only of the fact that he holds any of the following offices of profit under the Government of India or the Government of any State or the Government of any Union territory:—

(a) the office of a Deputy Minister or Minister of State;

(b) any office held by a Minister, Minister of State, or Deputy Minister whether *ex-officio* or by name;

(c) the office of the Speaker or the Deputy Speaker of the Himachal Pradesh Legislative Assembly or of Parliament or of the Legislative Assembly of any other State or Union territory;

(d) the office of the Chief Parliamentary Secretary;

(e) the office of the Chief Whip, Deputy Chief Whip or Whip in any Legislative Assembly or in Parliament;

- (f) the office of village revenue officer whether called a lambedar, malguzar, patel, deshmuks or by any other name, whose duty is to collect land revenue and who is remunerated by a share of or commission on, the amount of land revenue collected by him, but who does not discharge any police functions;
- (g) any office in the National Cadet Corps, the Territorial Army, the Air Defence Reserve and the Auxiliary Air Force (under any law for the time being in force);
- (h) the office of a member of a Home Guard constituted under any law for the time being in force in any state;
- (i) the office of Chairman or member of the Syndicate, Senate, Executive Committee, Council or Court of a University or any other body connected with a University;
- (j) the office of the Vice-Chancellor of any University;
- (k) the office of a member of any delegation or mission sent outside India by the Government of India or the Government of any State or sent outside the Union territory of Himachal Pradesh by the Government of the said territory for any special purpose;
- (l) the office of Chairman or member of a committee (whether consisting of one or more members) set up temporarily for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an inquiry into, or collecting statistics in respect of, any such matter, if the holder of such office is not entitled to any remuneration other than compensatory allowance;
- (m) the office of Chairman or Vice-Chairman, Director or member of any statutory or non-statutory body other than any such body as is referred to in clause (b), if the holder of such office is not entitled to any remuneration other than compensatory allowance;
- (n) the office of any honorary medical officer or honorary assistant medical officer in a hospital under Government management;
- (o) a person drawing his service pension, political pension or grant mansab, charitable grant or commutation sum of compensation in respect of a jagir, *inam* or other grant;
- (p) the office of an agent or other like office for the purpose of effecting sales of, or collecting subscriptions towards, National Plan Certificates or any other savings certificates or Government securities notified as such by the Central Government for such Commission as the Central Government may have fixed in that behalf or without such commission;
- (q) the office of an examiner for any examination held by the Central or State Government or the Government of any Union territory or by the Union Public Service Commission or any State Public Service Commission;
- (r) the office of Sarpanch or member of a Panchayat under any law for the time being in force.

4. Any question arising after the commencement of this Act as to any office being an office of profit under the Government of India or the Government of any State or the Government of any Union territory shall be determined as if the provisions of this Act had been in force at all material dates.

Determination of question arising after the commencement of the Act.

## STATEMENT OF OBJECTS AND REASONS

Section 14 (1) of the Government of Union Territories Act, 1963 provides that a person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly of a Union territory if he holds any office of profit under the Government of India or the Government of any State or the Government of any Union territory, other than an office declared by law made by Parliament or the Legislative Assembly of the Union territory not to disqualify its holder. No such law has so far been made which is essential to save a member of the Legislative Assembly of the Union territory of Himachal Pradesh who holds an office of profit under any of the said Governments. This Bill seeks to achieve the object.

SIMLA:  
The 1st April, 1968.

KARAM SINGH,  
*Law Minister.*

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## FINANCIAL MEMORANDUM

Nil

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

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